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c 24 Public Transportation and Highway Improvement Amendment Act, 1988

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CHAPTER 24

An Act to amend the Public Transportation and Highway Improvement Act

Assented to June 1st, 1988

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (e) of the *Public Transportation and Highway Improvement Act*, being chapter 421 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle or any other structure incidental thereto, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

2. Section 22 of the said Act is amended by adding thereto the following subsections:

(3) The Minister may enter into an agreement with any municipality, including a district, metropolitan or regional municipality, with respect to any matter in relation to the acquisition, establishment, extension, improvement or construction of an intercity passenger facility to serve any one or more areas in Ontario and the Minister may direct payment out of moneys appropriated therefor by the Legislature to the municipality for such purposes.

Intercity
passenger
service

(4) Any municipality may enter into an agreement under this section.

Power to
municipalities

3. Subsection 24 (2) of the said Act is amended by striking out "section 30" in the sixth line and inserting in lieu thereof "section 33".

4. Clause 31 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) shall construct or change the use of any private road, entranceway, gate or other structure or facility as a means of access to the King's Highway, other than a controlled-access highway,

.

5. Subsection 33 (3) of the said Act is amended by striking out "guard" in the third line and inserting in lieu thereof "guide".

6.—(1) Subsection 34 (1) of the said Act is repealed and the following substituted therefor:

Definitions

- (1) In this section,

"centre point of an intersection" is the point where the centre line of the through part or parts of the King's Highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the King's Highway;

"portable sign" means a sign or advertising device that is not permanently attached to the ground, a building or a structure or that is designed to be moved from place to place.

(2) Subsection 34 (2) of the said Act is amended by striking out "or" at the end of clause (c) and by adding thereto the following clauses:

- (e) sell, offer for sale or display produce, goods or merchandise upon the King's Highway; or
- (f) construct or use any private road, entranceway, gate or other structure or facility as a means of access to the King's Highway.

(3) Section 34 of the said Act is amended by adding thereto the following subsection:

Direction to
stop sales,
etc.

(2a) The Minister may direct any person to stop selling, offering for sale or displaying any produce, goods or merchandise within 45 metres of any limit of the King's Highway or within 180 metres of the centre point of an intersection and every person to whom such direction is given shall forthwith comply with the direction.

(4) Subsection 34 (5) of the said Act is repealed and the following substituted therefor:

(5) The Minister may direct any owner of land,

Direction to
remove, etc.

- (a) to remove therefrom or alter thereon any building, fence, gasoline pump or other structure or any road, tree, shrub or hedge placed, erected or altered;
- (b) to remove therefrom or alter thereon any sign, notice or advertising device displayed; or
- (c) to close up any private road, entranceway, gate or other structure or facility constructed or used,

in contravention of subsection (2).

(5a) Clause (5) (b) does not apply to a portable sign.

Exception

(5b) Where a portable sign is displayed contrary to subsection (2), the Minister may direct,

Direction to
remove

- (a) the owner of the portable sign, if the Minister is able to ascertain who and where the owner is;
- (b) the person on whose behalf the portable sign is displayed, if clause (a) does not apply but the Minister is able to ascertain who and where that person is; or
- (c) the owner of the land on which the portable sign is displayed, if clauses (a) and (b) do not apply,

to remove the sign.

(5c) Where a sign in respect of which a direction is given under subsection (5b) is not removed within five days after the direction is given, the Minister may in writing authorize any person to enter upon the land involved and to do whatever is necessary to remove the sign.

Removal of
sign

(5) Subsection 34 (6) of the said Act is amended by striking out "notice" in the first line and inserting in lieu thereof "direction" and by striking out "subsection (5)" in the first line and inserting in lieu thereof "subsection (2a), (5), (5b), 38 (5) or 38 (5b)".

(6) Subsection 34 (7) of the said Act is repealed and the following substituted therefor:

Failure to
comply with
direction

(7) Where a direction given under subsection (5) or 38 (7) is not complied with within thirty days after its receipt, the Minister may in writing authorize any person to enter upon the land involved to do whatever is necessary to comply with the direction.

No liability
for damages

(7a) An authorization under subsection (5c), (7), 38 (5c) or 38 (7) is authority to the person named therein to enter on the land described therein and to remove the sign as directed and neither the Minister nor that person is liable for any damages that may be caused in effecting the removal.

(7) Subsection 34 (8) of the said Act is repealed and the following substituted therefor:

Offence

(8) Every person who contravenes subsection (2), (3), 38 (2) or 38 (3) or who fails to comply with a direction given under subsection (2a), (5), (5b), 38 (5) or 38 (5b) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500 for a first offence and not less than \$200 and not more than \$1,000 for any subsequent offence.

(8) Subsection 34 (9) of the said Act is amended by striking out "notice" in the first line and inserting in lieu thereof "direction".

7.—(1) Subsection 38 (1) of the said Act is repealed and the following substituted therefor:

Definitions

(1) In this section,

"centre point of an intersection" is the point where the centre line of the through part or parts of a controlled-access highway meets the centre line of or the centre line of the prolongation of any other highway that intersects or meets the controlled-access highway;

"portable sign" means a sign or advertising device that is not permanently attached to the ground, a building or a structure or that is designed to be moved from place to place.

(2) Subsection 38 (5) of the said Act is amended by striking out "give notice to the owner of any land requiring him" in the first and second lines and inserting in lieu thereof "direct any owner of land".

(3) Section 38 of the said Act is amended by adding thereto the following subsections:

(5a) Clause (5) (b) does not apply to a portable sign.

Exception

(5b) Where a portable sign is displayed contrary to the provisions of subsection (2), the Minister may direct,

Direction to remove

- (a) the owner of the portable sign, if the Minister is able to ascertain who and where the owner is;
- (b) the person on whose behalf the portable sign is displayed, if clause (a) does not apply but the Minister is able to ascertain who and where that person is; or
- (c) the owner of the land on which the portable sign is displayed, if clauses (a) and (b) do not apply,

to remove the sign.

(5c) Where a sign in respect of which a direction is given under subsection (5b) is not removed within five days after the direction is given, the Minister may in writing authorize any person to enter upon the land involved and to do whatever is necessary to remove the sign.

Removal of sign

(4) Subsections 38 (6), (7) and (8) of the said Act are repealed.

(5) Subsection 38 (9) of the said Act is amended by striking out "notice" in the first line and inserting in lieu thereof "direction".

8. Section 45 of the said Act is repealed and the following substituted therefor:

45.—(1) Where a county road system is established under this Part, the county council shall,

County road system committee

- (a) act as a committee of the whole; or
- (b) appoint by by-law from three to ten residents of the county, who need not be members of the council, to constitute a committee,

to direct the work to be done on the county road system.

(2) If a committee is constituted under clause (1) (b), the council, subject to subsection (3), may by by-law,

Idem

- (a) regulate the term of office, reappointment, removal from office and the filling of any vacancy; and

- (b) assign executive powers considered appropriate for the effective operation of the committee.

Staggered
terms

(3) A committee constituted under clause (1) (b) shall be set up so that,

- (a) other than a committee consisting of four members, not less than one-third of the members are appointed to hold office for a term of three years, not less than one-third of the members are appointed to hold office for a term of two years and the remaining members are appointed to hold office for a term of one year; or
- (b) for a committee consisting of four members, one member is appointed to hold office for a term of three years, one member is appointed to hold office for a term of two years and two members are appointed to hold office for a term of one year,

and thereafter all members shall be appointed for a term of three years.

Re-
appointment

(4) Every member of the committee is eligible for reappointment upon the expiry of his or her term of office.

Warden
member

(5) The warden of the county is *ex officio* a member of the committee and may sit and vote thereon.

9. Section 47 of the said Act is repealed and the following substituted therefor:

Payment,
how to be
made

47. No money shall be disbursed pertaining to the county road system except by the county treasurer on the certificate of the county road superintendent approved by the county council and certified in writing by the warden of the county or by the committee appointed to direct the work to be done on the county road system as certified in writing by the chairman thereof.

10. Subsection 53 (3) of the said Act is repealed.

11.—(1) Subsection 63 (1) of the said Act is amended by striking out “and” at the end of clause (a) and by adding thereto the following clauses:

- (c) the construction or alteration of any private road, entranceway, gate or other structure or facility that permits access to a road; and

- (d) any change in use of any private road, entranceway, gate or other structure or facility that permits access to a road.

(2) Subsection 63 (2) of the said Act is repealed and the following substituted therefor:

(2) A by-law passed under this section may provide for the issuing of a permit for any of the acts that may be regulated under this section and may prescribe the form, terms and conditions of the permit and the fees to be paid for it, and may prescribe penalties for contravention of the by-law. Permits

12. Section 78 of the said Act is repealed.

13. Subsection 90 (1) of the said Act is amended by striking out "or village in a territorial district or of a" in the third and fourth lines and inserting in lieu thereof "village or".

14.—(1) This Act, except section 10, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 10 comes into force on a day to be named by proclamation of the Lieutenant Governor. Idem

15. The short title of this Act is the *Public Transportation and Highway Improvement Amendment Act, 1988.* Short title